

X

DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residences, mailing addresses, and citizenship are as stated below next to our names.

We believe we are original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled DEPLOYMENT AND RECOVERY CONTROL SYSTEMS FOR EMBOLIC PROTECTION DEVICES the specification of which (check one)

 X is attached hereto
 was filed on _____
Application Serial No. _____
and was amended on (or amended through) _____
(if applicable)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) specifically referred to above.

We acknowledge the duty to disclose information which is material patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

We hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States

of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

<u>Number</u>	<u>Country</u>	<u>Foreign Filing Date</u> <u>MM/DD/YYYY</u>	<u>Priority Claimed</u>	
			<u>Yes</u>	<u>No</u>
NONE				

We hereby claim the benefit under Title 35, United States Code, Sec. 119(e) of any United States provisional application(s) listed below:

<u>Provisional</u> <u>Appln. Serial No.(s)</u>	<u>Filing Date</u> <u>MM/DD/YYYY</u>	<u>Status (patented, pending, abandoned)</u>
NONE		

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

EARL A. BRIGHT II, Registration No. 37,045; THOMAS A HASSING, Registration No. 36,159; TIM L. KITCHEN, Registration 41,900; PHILIP S. YIP, Registration 37,265; RICHARD A. BARDIN, Registration No. 20,365; GILBERT G. KOVELMAN; Registration No. 19,552; JOHN S. NAGY, Registration No. 30,664; THOMAS H. MAJCHER, Registration No. 31,119; THOMAS A. RUNK, Registration No. 30,679; RONALD E. PEREZ, Registration No. 36,891; JOHN V. HANLEY, Registration No. 38,171; RICHARD B. CATES, Registration No. 36,100; JOHN K. FITZGERALD, Registration No. 38,881; PAUL Y. FENG, Registration No. 35,510; and GUNTHER O. HANKE, Registration No. 32,989. Direct all telephone calls to THOMAS H. MAJCHER at telephone No. (310) 824-5555.

Address all correspondence to:

FULWIDER PATTON LEE & UTECHT, LLP
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, California 90045

Full name of first inventor: William J. Boyle

Inventor's signature: William J. Boyle

Date: 4/11, 2001

Residence: Fallbrook, California 92028

Citizenship: USA

Mailing Address: 3119 Cherrypoint Court
Fallbrook, California 92028

Full name of second inventor: Benjamin C. Huter

Inventor's signature: Benjamin C. Huter

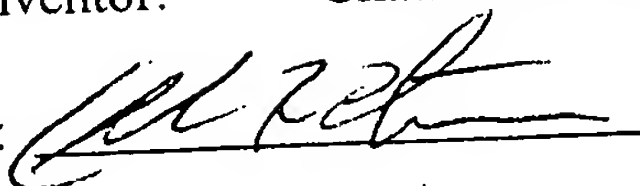
Date: 4/9, 2001

Residence: Murrieta, California 92562

Citizenship: USA

Mailing Address: 24375 Jackson Avenue Apt. I-307
Murrieta, California 92562

Full name of third inventor: Charles R. Peterson

Inventor's signature: 

Date: 4/11, 2001

Residence: Murrieta, California 92562

Citizenship: USA

Mailing Address: 24451 Trails End Drive
Murrieta, California 92562

Full name of fourth inventor: Donald E. Schwarten

Inventor's signature: _____

Date: _____, 2001

Residence: _____

Citizenship: USA

Mailing Address: _____

Full name of fifth inventor: Richard S. Stack

Inventor's signature: _____

Date: _____, 2001

Residence: Chapel Hill, North Carolina 27514

Citizenship: USA

Mailing Address: 106 Alder Place
Chapel Hill, North Carolina 27514

Full name of third inventor: Charles R. Peterson

Inventor's signature: _____

Date: _____, 2001

Residence: Murrieta, California 92562

Citizenship: USA

Mailing Address: 24451 Trails End Drive
Murrieta, California 92562

Full name of fourth inventor: Donald E. Schwarten

Inventor's signature: Donald E. Schwarten

Date: 4-12, 2001

Residence: Saratoga, California

Citizenship: USA

Mailing Address: 24605 Heather Heights Road
Saratoga, California 95070

Full name of fifth inventor: Richard S. Stack

Inventor's signature: _____

Date: _____, 2001

Residence: Chapel Hill, North Carolina 27514

Citizenship: USA

Mailing Address: 106 Alder Place
Chapel Hill, North Carolina 27514

Full name of third inventor: Charles R. Peterson

Inventor's signature: _____

Date: _____, 2001

Residence: Murrieta, California 92562

Citizenship: USA

Mailing Address: 24451 Trails End Drive
Murrieta, California 92562

Full name of fourth inventor: Donald E. Schwarten

Inventor's signature: _____

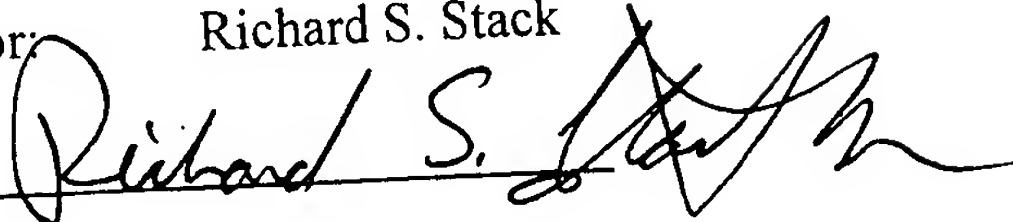
Date: _____, 2001

Residence: _____

Citizenship: USA

Mailing Address: _____

Full name of fifth inventor: Richard S. Stack

Inventor's signature: 

Date: 4-21, 2001

Residence: Chapel Hill, North Carolina 27514

Citizenship: USA

Mailing Address: 106 Alder Place
Chapel Hill, North Carolina 27514



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEPTEMBER 22, 2001

FULWIDER PATTON LEE ET AL.
THOMAS H. MAJCHER
6060 CENTER DRIVE, TENTH FLOOR
HOWARD HUGHES CENTER
LOS ANGELES, CA 90045

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SEP 27 2001

FULWIDER PATTON LEE & UTECH, LLP
LOS ANGELES



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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/16/2001

REEL/FRAME: 011983/0290
NUMBER OF PAGES: 10

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BOYLE, WILLIAM J.

DOC DATE: 04/11/2001

ASSIGNOR:

HUTER, BENJAMIN C.

DOC DATE: 04/09/2001

ASSIGNOR:

PETERSON, CHARLES R.

DOC DATE: 04/11/2001

ASSIGNOR:

SCHWARTEN, DONALD E.

DOC DATE: 04/12/2001

ASSIGNOR:

STACK, RICHARD S.

DOC DATE: 04/21/2001

ASSIGNEE:

ADVANCED CARDIOVASCULAR SYSTEMS,
INC.
3200 LAKESIDE DRIVE
SANTA CLARA, CALIFORNIA 95054-2807

011983/0290 PAGE 2

SERIAL NUMBER: 09845758
PATENT NUMBER:

FILING DATE: 04/30/2001
ISSUE DATE:

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT

This Assignment made by William J. Boyle of Fallbrook, California, Benjamin C. Huter of Murrieta, California, Charles R. Peterson of Murrieta, California, Donald E. Schwarten of _____, California and Richard S. Stack of Chapel Hill, North Carolina, Assignors, to ADVANCED CARDIOVASCULAR SYSTEMS, INC., a California corporation, Assignee, having a place of business at 3200 Lakeside Drive, Santa Clara, California 95054-8167.

WHEREAS, Assignors have invented a new and useful DEPLOYMENT AND RECOVERY CONTROL SYSTEMS FOR EMBOLIC PROTECTION DEVICES, for which an application for United States Letters Patent has been executed by them this day; and

WHEREAS, Assignors believe themselves to be the original, first and joint inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, Assignee desires to acquire by formal, recordable assignment the entire right, title and interest in and to said invention, said application, and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors hereby sell, assign and transfer to Assignee, the entire right, title and interest in and to said invention, said application, and any Letters Patent that may be granted for said invention in the United States and throughout the world,

including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, them and their legal representative(s) and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

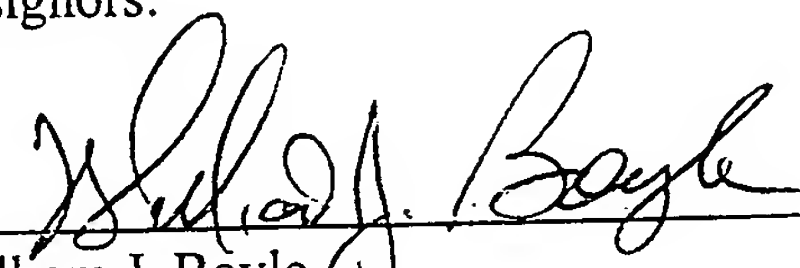
Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date
_____ written herein below.

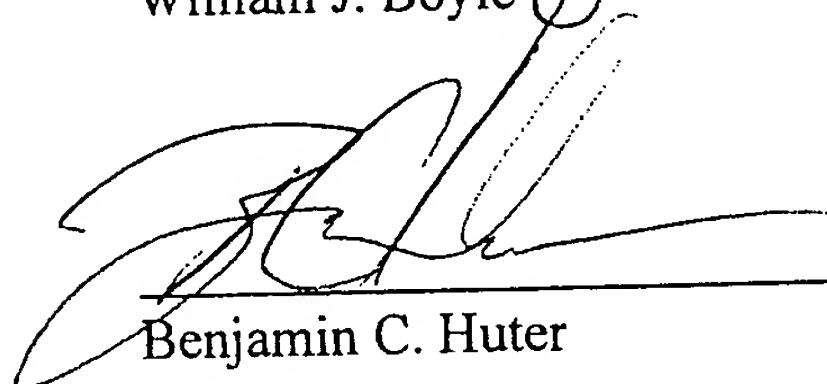
Assignors:

Date: 4/11, 2001



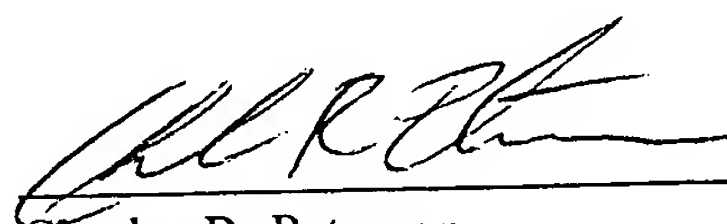
William J. Boyle

Date: 4/19, 2001



Benjamin C. Huter

Date: 4/11, 2001



Charles R. Peterson

Date: _____, 2001

Donald E. Schwarten

Date: _____, 2001

Richard S. Stack

ASSIGNMENT

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WHEREAS, Assignee desires to acquire by formal, recordable assignment the entire right, title and interest in and to said invention, said application, and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors hereby sell, assign and transfer to Assignee, the entire right, title and interest in and to said invention, said application, and any Letters Patent that may be granted for said invention in the United States and throughout the world,

including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, them and their legal representative(s) and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date
written herein below.

Assignors:

Date: _____, 2001

William J. Boyle

Date: _____, 2001

Benjamin C. Huter

Date: _____, 2001

Charles R. Peterson

Date: 4-12, 2001

Donald E. Schwarten
Donald E. Schwarten

Date: _____, 2001

Richard S. Stack

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IN WITNESS WHEREOF, Assignors have executed this Assignment on the date
written herein below.

Assignors:

Date: _____, 2001

William J. Boyle

Date: _____, 2001

Benjamin C. Huter

Date: _____, 2001

Charles R. Peterson

Date: _____, 2001

Donald E. Schwarten

Date: 4.21., 2001



Richard S. Stack



07-20-2001

FORM PTO-595
1-31-92

210017.1

A 54595



101784482

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
William J. Boyle, Benjamin C. Huter, Charles R. Peterson,
Donald E. Schwarten, Richard S. Stack

2. Name and address of receiving party(ies):

Additional name(s) of conveying party(ies) attached? NO

Name: Advanced Cardiovascular Systems, Inc.

3. Nature of Conveyance:

☒ Assignment ☐ Merger

Internal Address:

☐ Security Agreement ☐ Change of NameStreet Address: 3200 Lakeside Drive☐ OtherCity Santa Clara State CA ZIP 95054-2807Additional name(s) & address(es) attached? ☐ Yes ☒ No

Execution Date: April 21, 2001

UW 7.16.01

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 09/845,758

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No5. Name and address of party to whom correspondence
concerning document should be mailed:

Name: FULWIDER PATTON LEE & UTECHT, LLP

6. Total number of applications and
patents involved: One (1)

Internal Address: Howard Hughes Center

7. Total fee (37 CFR 3.41):...\$ 40.00

Street Address: 6060 Center Drive, Tenth Floor

☒ Enclosed☒ Any deficiency/overpayment is authorized to be charged to
deposit accountCity: Los Angeles State: CA Zip: 90045

8. Deposit account number: 06-2425

07/20/2001 LMUELLER 00000029 09845758

01 FO:581

40.00 OP

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

THOMAS H. MAJCHER

Name of Person Signing

Signature

July 12, 2001

Date

Total number of pages including cover sheet, attachments and document: Ten

OMB No. 0651-0011 (exp. 4/94)



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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/845,758	
	Filing Date	April 30, 2001	
	First Named Inventor	William J. Boyle	
	Group Art Unit	3762	
	Examiner Name	Unassigned	
Total Number of Pages In This Submission		Attorney Docket Number	ACS-54595

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Assignment Papers (for an Application) (10 sheets)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Postcard
<input type="checkbox"/> Information Disclosure Statement PTO/SB/08A	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thomas H. Majcher, Registration No. 31,119
Signature	<i>Thomas H. Majcher</i>
Date	July 12, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 7-12-2001			
Typed or printed name	Thomas H. Majcher		
Signature	<i>Thomas H. Majcher</i>	Date	7-12-2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Assistant Commissioner for Patents, Washington, DC 20231